

REMARKS

Claim Status and Amendments

Claims 1-45, 47 and 49-52 were pending in this application and subject to restriction. Claims 1, 3, 10, 17-19, 21, 24, 25, 27, 29, 31-34, 41-43 and 45 are amended. Claims 7-9, 11-15, 20, 22, 26, and 38-40 are canceled. New claims 53-61 are added.

The specification and original claims as filed provide support for the amended claims and the new claims. Thus, no new matter has been added. Support can be found in the specification, for example, at least at paragraphs [0017] and [0057] of the U.S. patent application publication (US 2007/0190659 A1), and in original claims 10 and 13. In addition, the claims have been amended in a non-narrowing manner to make minor editorial revisions, to better conform to U.S. claim form and practice, and to correct typographical errors and misspellings. Such revisions are non-substantive and are not intended to narrow the scope of protection.

Claims 7-9, 11-15, 20, 22, 26, and 38-40 have been canceled without prejudice or disclaimer thereto. Applicant reserves the right to file a divisional or a continuation on any canceled subject matter.

Claims 1-6, 10, 16-19, 21, 23-25, 27-37, 41-45, 47, and 49-61 are pending upon entry of this amendment.

Response to Restriction

In response to the Restriction Requirement, Applicant elects the invention of Group I, claims 1-32, as amended. This election is made with traverse. Applicant further elects new claims 53-61 for inclusion in Group I. Each of new claims 53-61 depends from a claim in Group I, and each is drawn to a method for analyzing adducts. The reasons for traverse are as follows.

The Office Action asserts that the inventions of Groups I to VI do not relate to a single general inventive concept because they lack the same or corresponding special technical feature. Applicant respectfully disagrees with this position.

In regard to the claims of Group I, drawn to a method for analyzing adducts, and the claims of Group II, drawn to a method of making a standard material, at least one unifying special technical feature is the step of reacting an N-substituted amino acid, or an adducted N-terminal in a protein or peptide, with an isothiocyanate reagent containing a fluorescent moiety and an ionizable moiety selected from the group consisting of FITC, DNITC, and DABITC or a derivative thereof. The innovative step of introducing ionizable and/or fluorescent isothiocyanate reagent such as FITC results in progress over the previously known methods. For example, N-terminal adducts to proteins can be formed from an almost unlimited number of electrophillically reactive compounds. The present invention provides the possibility to selectively enrich (e.g., by ion

exchange) and to selectively measure such adducts (e.g., with LC-MS/MS) with unexpected high sensitivity.

The references cited in the Office Action, RYDBERG et al., CARMELLA et al., and/or KAWAUCHI et al., do not teach or suggest the above-noted unifying special technical feature of the invention. For at least these reasons, Applicant respectfully submits that unity of invention exists in the claims of Group I and Group II.

Applicant further requests that new claims 53-61 also be included and examined with Group I. Like Group I, each of claims 53-61 is drawn to a method for analyzing adducts. Each claim also depends directly on a claim in Group I.

Applicant further contends that it would not constitute and undue burden to search the inventions of all of Groups I-VI together in a single application given the above referenced overlapping and related subject matter.

Thus, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement.

In the event that the Office disagrees with the traversal and maintains the Restriction Requirement, then kindly consider the possibility of rejoinder of the non-elected invention upon a determination of allowance of the elected invention, per U.S. rejoinder practice.

Entry of the above amendments is earnestly solicited.
An early and favorable first action on the merits is earnestly requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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